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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,926	01/14/2002	Ralph Graham	Graham/Bathtub Protection	2626
7590 06/17/2004			EXAMINER	
DAVID G. HENRY			CHIN SHUE, ALVIN C	
7th Floor 900 Washington Avenue P.O. Box 1470 Waco, TX 77603-1470			ART UNIT	PAPER NUMBER
			3634	,
			DATE MAILED: 06/17/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be analysis under the previous of 3 CPR 1.136(s). In no event, however, may a rapily be timely filled if the peticid for reply specified above is less than thirty (30) days, a rapily within the statisticy minimum of thirty, (20) largy will be considered timely. If the peticid for reply specified above is less than thirty (30) days, a rapily within the statisticy minimum of thirty, (20) largy will be considered timely. If the peticid for reply specified both one, the manufacture of the statistic peticid will apply and will explore (50) MOINTHS into the smalling date of this communication. Any reply received by the Office less than three months after the mailing date of this communication, even if timely filed, may reduce any served peticident in the communication of the mailing date of this communication, even if timely filed, may reduce any served peticident in the specific peticident of the communication, even if timely filed, may reduce any served peticident in the specific peticident in the mailing date of this communication, even if timely filed, may reduce any served peticident in the specific peticident in the mailing date of this communication, even if timely filed, may reduce any served peticident in the mailing date of this communication. 1) Responsive to communication (s) filled on 29 March 2004. 2a) This action is FINAL. 2b) March 2004. 2b) This action is FINAL. 2b) March 2004. 2c) Isince this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1.3 is/are pending in the application. 4) Claim(s) 1.3 is/are pending in the application. 4) Claim(s) 1.3 is/are allowed. 6) Claim(s) 1.3 is/are allowed. 7) Claim(s) 1.3 is/are allowed. 8) Claim(s) 1.3 is/are allowed. 8) Claim(s) 1.3 is/are al		Application No.	Applicant(s)				
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a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)	Priority under 35 U.S.C. § 119						
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Art Unit: 3634

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification as originally filed does not provide support for a positioning unit to be reversibly attached to a face of the shield, and no description of same is provided to enable a clear understanding of what is specifically meant by reversibly attached.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation "a like plurality of location", as set forth in claims 1 and 3, is vague as it is unclear what are the like positions.

Art Unit: 3634

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1-3, as understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Gould in view of Miller. Gould shows the claimed system with the exception of the claimed plurality of positioning units. Miller in fig. 2 shows a plurality of positioning units with threaded rods 40,42, each respectively threadingly engaging a respective depending bracket 32,34. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gould for each of his depending bracket 5 to comprise a respective threaded aperture, in lieu of opening 5', and threadingly engaged rods, as taught by Miller, in lieu of his rod portions 6, to enable a positive threaded engagement with his brackets 5 and to further enable individual adjustment of each rods. The positioning units brackets 5 with the adjustable foot members are opposite/reversible attached to the a face of the shield, as understood, or they may be repositioned on the other shield face attaching means 4.

Art Unit: 3634

Claim 1-3, as understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer in view of Miller. Mayer shows the claimed system with the exception of the attached brackets with the threadingly engaged rod. Miller shows a adjustable foot rod 40 threadingly engaging a depending bracket 32. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller for each of his depending bracket 13 to comprise a threadingly engaged adjustable foot member to enable positive clamping. Furthermore, the examiner takes official notice that the practice of using conventional releasable fasteners, e.g. bolts, screws, etc. to enable repositioning attachment of brackets is a conventional practice, and to attach the brackets 13 by any conventional removable fasteners, e.g. bolts, screws, would have been an obvious engineering expedient in view of the conventional practice.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation of the reversible attached brackets must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior

Art Unit: 3634

version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 703-308-2475. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686.

Art Unit: 3634

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alvin C. Chin-Shue Primary Examiner Art Unit 3634 Page 6

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